

## Mississippi Secretary of State

700 North Street P. O. Box 136, Jackson, MS 39205-0136

## ADMINISTRATIVE PROCEDURES NOTICE FILING

AGENCY NAME Department of Information Technology Services		CONTACT PERSON Martha Pemberton		TELEPHONE NUMBER 601-359-2743	
ADDRESS 301 N. Lamar Street Suite 508		CITY Jackson,		STATE MS	ZIP 39201
EMAIL pemberton@its.ms.gov	SUBMIT DATE 2/19/2010	Name or number of rule(s): MS Code Sections 25-53-5 (b); 25-53-5 (n);			

Short explanation of rule/amendment/repeal and reason(s) for proposing rule/amendment/repeal: \_\_\_\_\_

The current policy is confusing in that the protest grounds and project milestones are presented separately. Grounds for protest are specific to the protested milestone, so the revised version combines the two lists. Delivery options for materials produced by ITS in response to the protest have been updated to include electronic delivery; "Exhaustion of Remedies" has been updated to clarify timeframes for filing a petition for judicial review and process for return of protest bond, as well as circumstances for issuing a payment demand against the bond.

Specific legal authority authorizing the promulgation of rule: MS Code Sections 25-53-5 (b); 25-53-5 (n);

List all rules repealed, amended, or suspended by the proposed rule: Updates to 019-020 ITS Protest Procedures and Policy: Combine protest grounds with milestones; specify timeframe &amp; notice requirements for court appeal; update delivery options to include electronic delivery.

## ORAL PROCEEDING:

☐ An oral proceeding is scheduled for this rule on Date: \_\_\_\_\_ Time: \_\_\_\_\_ Place: \_\_\_\_\_

☒ Presently, an oral proceeding is not scheduled on this rule.

If an oral proceeding is not scheduled, an oral proceeding must be held if a written request for an oral proceeding is submitted by a political subdivision, an agency or ten (10) or more persons. The written request should be submitted to the agency contact person at the above address within twenty (20) days after the filing of this notice of proposed rule adoption and should include the name, address, email address, and telephone number of the person(s) making the request; and, if you are an agent or attorney, the name, address, email address, and telephone number of the party or parties you represent. At any time within the twenty-five (25) day public comment period, written submissions including arguments, data, and views on the proposed rule/amendment/repeal may be submitted to the filing agency.

## ECONOMIC IMPACT STATEMENT:

☒ Economic impact statement not required for this rule. ☐ Concise summary of economic impact statement attached.

## TEMPORARY RULES

\_\_\_\_ Original filing  
 \_\_\_\_ Renewal of effectiveness  
 To be in effect in \_\_\_\_ days  
 Effective date:  
 \_\_\_\_ Immediately on  
 \_\_\_\_ Other (specify): \_\_\_\_\_

## PROPOSED ACTION ON RULES

Action proposed:  
 \_\_\_\_ New rule(s)  
☒ Amendment to existing rule(s)  
 \_\_\_\_ Repeal of existing rule(s)  
 \_\_\_\_ Adoption by reference  
 Proposed date of adoption:  
☒ 30 days after filing  
 \_\_\_\_ Other (specify): \_\_\_\_\_

## FINAL ACTION ON RULES

Action taken:  
 \_\_\_\_ Adopted with no changes in text  
 \_\_\_\_ Adopted with changes  
 \_\_\_\_ Adopted by reference  
 \_\_\_\_ Withdrawn  
 \_\_\_\_ Repeal adopted as proposed  
 Effective date:  
 \_\_\_\_ 30 days after filing  
 \_\_\_\_ Other (specify): \_\_\_\_\_

Printed name and Title of person authorized to file rules: David L. Litchlitter, Executive Director

Signature of person authorized to file rules: *David L. Litchlitter*

## OFFICIAL FILING STAMP

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**FILED**  
 FEB 19 2010  
 MISSISSIPPI  
 SECRETARY OF STATE

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Accepted for filing by

Accepted for filing by *acj*

Accepted for filing by

The entire text of the Proposed Rule including the text of any rule being amended or changed is attached.